

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 12, 2015**

PRESENT: Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Peter F. Murphy, Springfield District
Ellen J. Hurley, Braddock District
Timothy J. Sargeant, Commissioner At-Large

//

The meeting was called to order at 8:20 p.m. by Vice Chairman Frank A. de la Fe in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee would meet at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center on Wednesday, February 18, 2015.

//

FS-V14-14 – NORTHERN VIRGINIA REGIONAL PARK AUTHORITY, 9751 Ox Road

Commissioner Flanagan: I have a "feature shown" application listed on the agenda tonight. It is on the agenda. It's application FS-V14-14, which asks permission to make renovations to the Occoquan Regional Park downriver from the Vulcan Quarry. The renovations consist of a new Jean R. Packard Occoquan Center, a large picnic pavilion, and repairs and enhancements to existing boat and fishing piers, the plaza area, and miscellaneous landscaping improvements. I should mention also there's a 5K trail in there also – that it will be also improved. The South County Federation has been briefed and supports the major renovations enthusiastically. This is really a plus for Lorton. If any of you want to see the color pictures I have later after the meeting is over, I'd be happy to share them with you. I CONCUR WITH STAFF'S CONCLUSION THAT THE OCCOQUAN REGIONAL PARK RENOVATIONS ARE SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE A CONSIDERED A "FEATURE SHOWN." I THEREFORE MOVE THAT THE PLANNING COMMISSION FIND APPLICATION FS-V14-14 MEETS THE

CRITERIA, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner Lawrence: Second.

Vice Chairman de la Fe: Seconded by Commissioner Lawrence. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 9-0. Commissioners Hurley, Murphy, and Sargeant were absent from the meeting.

//

RZ 2014-MA-011/SE 2014-MA-013 – SPECTRUM DEVELOPMENT, LLC (Decision Only)
(The public hearing on this application was held on January 14, 2015.)

Commissioner Strandlie: Thank you, Mr. Chairman. Tonight, the commission will make a decision on a proposed plan submitted by Spectrum Development, LLC, referred to as The Shops at Baileys Crossroads. As we discussed at the January 14 hearing, the site has been in need of redevelopment for over 20 years. A portion of the site has been sitting as a vacant lot since 2007 and a good portion of this vacant lot is needed to realign Charles Street in Glen Forest, making development close to impossible. Geico owns an addition – an adjacent lot and building and they have now shut down business at that location. The applicant cobbled together the vacant lot, the Geico property, and two additional residential properties immediately to the rear to have sufficient land for this development. Since the January 14th public hearing, the applicant, neighbors, and staff have diligently worked to try to address issues with the design and other matters raised by commissioners, including my concerns about the design of CVS. In addition to meeting with the applicants, Fairfax County Division chief Kris Abrahamson and I met with Irene Xenos and Brian Lovitt for two hours on site in a snow storm, and we appreciated very much their meeting with us. Ms. Xenos is a zealous advocate on behalf of her grandmother, and I can definitely understand and appreciate her concerns. I want to thank everyone who's worked on this, especially Kris and Brent Krasner for their efforts, and ask them to briefly go through the design and proffer changes, including responses to requests for improvements to Lot 8.

Brent Krasner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Thank you. I prepared a few slides just to briefly summarize where we – what we've been doing since the - during the deferral period, just to refresh everyone's memory that the property is on Leesburg Pike between Charles Street and Washington Drive on the west side of the Baileys Crossroads area. The applicant has submitted a revised GDP. The overall layout has not changed, however, they have incorporated a series of revisions to address various staff and neighborhood concerns. Some of the more changes were additional landscaping and a pedestrian path within the right-of-way at the intersection of Charles Street and Leesburg Pike. These were added at staff's recommendation to improve - both improve the visual appearance of the development as

well as to prevent pedestrians from trampling on any plantings in that area. They've added a right-turn lane along Charles Street onto Leesburg Pike. The monument sign has been relocated from the intersection to the small seating area and we support this change. It would make it less prominent and it provides a pedestrian feature. They've also made a change to – to the bus shelter detail to provide additional right-of-way as requested by FDOT (Fairfax County Department of Transportation) to accommodate a future cycle track. They've also made significant architectural revisions to the pharmacy. The new elevations now show a more articulated building façade with a greater variety of colors and materials on all sides. They've added additional faux windows and awnings. There's also a proffer that now indicates that the windows fronting on Leesburg Pike as well as the ones that face the other retail building, will feature images of historic themes relevant to Baileys Crossroads and overall staff feels that the architectural revisions have improved the building and they have gone some way to address our Planning Commission Meeting concerns about compatibility with the rest of the development as well as meeting the guidelines of the Baileys CBC in the comprehensive plan. These are additional renderings that show the new design; flip through these quickly. You can see the additional windows and awnings. And this is a bird's eye perspective. And I'll note that these images don't contain all the landscaping that will be provided in that right-of-way, but it gives you a sense of the architecture. The applicant has also submitted revised proffers in conjunction with the revised plan. The most current set, dated February 11th, was distributed to you yesterday. They've been updated to provide enhanced commitments to address various staff commission and neighborhood concerns. Some of the key changes were moving the monument sign, the additional landscaping in the right-of-way; the deliveries of the largest trucks will be restricted to non-peak periods; and of course there will be no loading on Washington Drive or any blocking of access to the site. They have increased the contribution for the off-site work on Lot 8, which is the adjacent residential property directly to the east of the site's entrance on Washington Drive, including funds for plantings, a fence, as well as a vehicle turnaround in their driveway so they can pull out forwards onto Washington Drive. They've added proffers clarifying that there will be no outdoor speakers or vending machines or anything like that on the site, and additional proffers related to trash, lighting, noise, parking enforcement, and construction, which were originally in the – in the – in the proffers have remained and been strengthened. The conditions were revised just to remove conditions that have now been addressed in the - in the proffers. We issued a staff report addendum and as we stated in that addendum staff feels that the applicant should be credited for making significant improvements to the architectural design as well making improvements to their proffer commitments. We feel the pharmacy more closely resembles the remainder of the development. It will provide a more pleasing appearance from Leesburg Pike. Ultimately, staff however – we were unable to reverse our recommendations for denial, the improved architectural notwithstanding. The building - in staffs opinion, it still faces rearwards, and it places that drive-through in a highly visible location at the intersection. In addition the right-of-way, based on what the Comp Plan currently recommends today, we feel that what they have provided is insufficient without needing additional private land. For those specific reasons, we're unable to reverse our - our recommendation; however, we do feel the applicant has made significant strides in addressing other concerns. Thank you very much.

Vice Chairman de la Fe: Thank you very much.

Commissioner Strandlie: There's a – there was a question of the alignment of the exit on the Washington Street side and alignment with the Lot 8 driveway. Can you address the safety concerns of that as –

Mr. Krasner: Sure. Ultimately, having the driveway aligned with the access actually is the safest alternative. Just like with any other intersection, if it's skewed or offset, it introduces a potential conflict, as opposed to when it's head-on and the visibility is excellent for cars that come from either side. Also with the provision for a turnaround for the residential property, they will now be able to pull out forwards without having to back out, and we feel that provides a safe condition and it ameliorates that concern.

Commissioner Strandlie: Okay, thank you. On Proffer 26, I had some concerns about the amount of – included to provide the mitigation to Lot 8 for landscaping and/or fence and the driveway, and I was hoping the applicant can come down and – and confirm a conversation that we had today – Peter Batten. They are going to address this. The amount currently calls for \$10,000 to reimburse for construction costs and we were concerned that that was not the right amount. Can you please confirm our conversation that we were going to have to work with the Xenos Family to make sure that the amount is sufficient to address their concerns as in the invoice and estimate that the previously provided?

Peter Batten, Applicant: We talked about that we would go out actually and do a design of the turnaround and the fencing and landscaping and then get a – a firm to provide a bid to us. So we can confirm the amount that we have in the proffer allocated for those - those improvements. Commissioner Strandlie: So between now and the time that this may go to the Board, you will work with the Xenos Family to make sure that the amount is the sufficient amount to cover those costs.

Mr. Batten: Yes. We're going to start tomorrow to – to get the design together and then get with our construction folks and get the pricing –

Commissioner Strandlie: Okay.

Mr. Batten: – for the landscaping.

Commissioner Strandlie: And the other issue is that the proffer originally called for reimbursement after the expenses and we had discussed providing an escrow account so that they did not have to put any costs upfront.

Mr. Batten: Correct.

Commissioner Strandlie: Good. Thank you.

Vice Chairman de la Fe: Just for the record, could you identify yourself?

Mr. Batten: Yes.

Vice Chairman de la Fe: We know you are the applicant, but –

Mr. Batten: Yes. I'm with the applicant, Spectrum Development, and my name is Peter Batten and I'm one of the managing directors of the firm.

Vice Chairman de la Fe: Thank you.

Mr. Batten: Thanks.

Commissioner Strandlie: Thanks. Thank you. Brent or Kris, do you have anything else to add?

Kris Abrahamson, ZED, DPZ: Not with this question.

Commissioner Strandlie: Thank you. In – in this particular circumstance, there is overriding community needs and development challenges that have convinced me to switch me as – from a no when I was a land use - on the land use committee following the many changes and as this has moved forward. In addition, the chair of the Mason District Land Use Committee now supports this application and asked me to read his February 11th, 2015, email into the record and he said, the chair of the Mason District Land Use Committee, Dan Aminoff, while having concerns about the project's specifics, feels that the opportunity for development outweighs keeping the status quo. The Bailey's Revitalization corporation previously endorsed the project; Glen Forest Neighbors support the redevelopment, the owner of the shopping center across the street, Adrian Dominguez, supports the project because it adds additional retail and shoppers to the neighborhood; however, their support is contingent upon future road realignment not taking much of her much needed parking lot. The property at hand is the Gateway to Baileys Crossroads and many see it as an impetus for further redevelopment, a jumpstart to revitalizing this area. Again, the lot has been vacant for 8 years and undeveloped for about 20; however, there are still impediments to redevelopment that came to light during the review of this application. There is a question of how to protect the neighborhoods and existing business while improving transportation and making it a more attractive community; therefore, following the initial motion to approve the application with conditions, I will offer a supplemental motion addressing the need to identify additional redevelopment options for this area.

Vice Chairman de la Fe: Go ahead.

Commissioner Strandlie: Thank you. So, Mr. Chairman I would like to make a motion to –

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-MA-011, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 11, 2015;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-MA-013, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED FEBRUARY 9TH, 2015, CONTAINED IN ATTACHMENT 3 OF THE STAFF REPORT ADDENDUM;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A 20 PERCENT PARKING REDUCTION AS PERMITTED

IN A COMMERCIAL REVITALIZATION DISTRICT (CRD) TO ALLOW 108 PARKING SPACES WHERE 135 ARE REQUIRED;

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE FRONT YARD SETBACK REQUIREMENT IN THE C-6 DISTRICT PER THE CRD PROVISIONS TO PERMIT A 10-FOOT SETBACK TO LEESBURG PIKE AND 7-FOOT SETBACK TO WASHINGTON DRIVE;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF WAIVER OF THE MINIMUM LOT WIDTH STANDARD IN THE C-6 DISTRICT PER THE CRD PROVISIONS TO ALLOW 160 FEET AFTER THE DEDICATION OF THE RIGHT-OF-WAY ALONG CHARLES STREET;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRAIL REQUIREMENT ALONG LEESBURG PIKE TO PERMIT AN 8-FOOT WIDE PAVER WALKWAY IN ACCORDANCE THE BAILEY'S CROSSROADS STREETSCAPE STANDARDS;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL OR PORTIONS OF THE EAST, SOUTH, WEST – AND WEST PROPERTY LINES, IN FAVOR OF THE PLANTINGS AND MASONRY WALLS SHOWN ON THE GDP/SE PLAT;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE TREE PRESERVATION TARGET AREA IN FAVOR OF THE PROPOSED PLANTINGS SHOWN ON THE GDP/SE PLAT;
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG LEESBURG PIKE IN FAVOR OF THE FRONTAGE IMPROVEMENTS SHOWN ON GDP/SE PLAT; and
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENTS TO PERMIT ONE LOADING AREA AS DEPICTED ON THE GDP/SE PLAT.

Commissioner Flanagan: I second all nine of those motions.

Commissioner Hedetniemi: I do too.

Vice Chairman de la Fe: Seconded by Commissioners Hedetniemi and Flanagan. Any discussion?

Commissioner Migliaccio: Just on the special exception? Did we need the applicant to agree to those? Or did you get them on the record already? The development conditions, when they were up here?

Commissioner Strandlie: I believe those were all in the motion.

Ms. Abrahamson: Do you want to ask the applicant to come down?

Vice Chairman de la Fe: Yes, if the applicant – if – before – before we take a vote, could the applicant please come down and confirm that he agrees with the development conditions as stated by and agreed to by Commissioner Strandlie.

William B. Lawson, Esquire, The Law Office of William B. Lawson, P.C.: Mr. Chairman, for the record, my name is William B. Lawson, Jr. I represent the applicant. The conditions are acceptable.

Vice Chairman de la Fe: Thank you very much. Okay. All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motions carry. Thank you very much.

Commissioner Strandlie: Thank you. I have - I have my supplemental motion if you –

Vice Chairman de la Fe: Yes.

Commissioner Strandlie: – would bear with me.

Vice Chairman de la Fe: Go ahead.

Commissioner Strandlie: Mr. Chairman, acknowledging the difficulties encountered in trying to adequately and safely accommodate the necessary road realignments, including the additional right-of-way for the proposed realignment of Charles Street intersection on the application property, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO STUDY OPTIONS FOR ACHIEVING THE DESIRED TRANSPORTATION IMPROVEMENTS IN THE AREA, INCLUDING THE REALIGNMENT ENVISIONED BY THE PLAN, FOR THE GOAL OF MINIMIZING IMPACT TO BOTH EXISTING RESIDENTIAL NEIGHBORHOODS AND COMMERCIAL DEVELOPMENTS WHILE STILL PROVIDING ADEQUATE OPPORTUNITIES FOR REDEVELOPMENT AND UNDERSTANDING THAT THE OPTIONS MAY NEED TO EXTEND BEYOND THE LIMITS OF THE CURRENT APPLICATION.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Any discussion? Hearing and seeing none, all those in favor of the motion, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Each motion carried by a vote of 8-0. Commissioner Hart was not present for the votes Commissioners Hurley, Murphy, and Sargeant were absent from the meeting.

//

RZ/FDP 2014-BR-019 – CHRISTOPHER AT KENILWORTH, LLC

Commissioner Hedetniemi: I'M GOING TO MOVE THAT CHRISTOPHER AT KENILWORTH, LLC, RZ/FDP 2014-BR-019, BE DEFERRED FOR ONE WEEK TO FEBRUARY 18.

Commissioner Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Commissioner Litzenberger. I believe that this is a deferral of the public hearing because of an affidavit issue?

Commissioner Hedetniemi: Yes, it is. The public hearing and the Braddock Land Use Task Force wants to take another look at it.

Vice Chairman de la Fe: Okay, thank you very much. All those in – any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 9-0. Commissioners Hurley, Murphy, and Sargeant were absent from the meeting.

//

ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. PA 2013-II-M1 – WEST FALLS CHURCH TRANSIT STATION AREA (TSA)
2. PA 2014-III-DS2 – DULLES SUBURBAN CENTER, LAND UNIT 1
3. RZ 2013-MV-015 – VULCAN CONSTRUCTION MATERIALS LP
PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY

WATER AUTHORITY

This agenda was accepted without objection.

//

PA 2013-II-M1 – WEST FALLS CHURCH TRANSIT STATION AREA (TSA) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, Virginia, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. Plan Amendment 2014-II-M1 concerns approx. 164 acres, including the West Falls Church Transit Station Area, generally located south of Interstate 66, northeast of Leesburg Pike and west of Great Falls Street in the Dranesville Supervisor District, and 2.4 acres east of Shreve Road and north of Gordons Road in the Providence Supervisor District. The area is planned for mixed use, residential, public facilities, industrial, office, and retail and other commercial uses. The proposed plan amendment will consider editorial revisions to plan recommendations and to reflect existing conditions, and to reflect the 2014 boundary change between Fairfax County and the City of Falls Church. Recommendations relating to the transportation network may also be modified. PROVIDENCE DISTRICT. PUBLIC HEARING.

David Stinson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of Plan Amendment 2013-II-M1.

There were no disclosures by Commission members.

Commissioner Ulfelder confirmed to Vice Chairman de la Fe that this plan amendment would provide a more realistic plan for the proposed area.

Vice Chairman de la Fe called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Ulfelder for action on this item.

//

Vice Chairman de la Fe: I will close the public hearing; Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I think that was covered very well, I mean, it's clear that as part of the sale of the Falls Church Water System to Fairfax Water, Fairfax County allowed the City of Falls Church to annex about 38 acres of land, much of which it already had owned, then located in Fairfax County. Most of the annexed land was part of the West Fall Church Transit Station Area, or TSA, section of the Fairfax County Comprehensive

Plan. This appears to have a lot of moving parts, but the primary purpose of this proposed Plan Amendment is straightforward and simple: it would remove the parcels annexed by the City of Falls Church from Fairfax County's Comprehensive Plan and realign the boundaries of the West Falls Church TSA accordingly. The proposed amendment proposes some editorial changes, but no changes to land use or increase densities within the redrawn TSA study area. More specifically, the amendment would modify the Plan language for the West Falls Church Transit Station Area located in the Dranesville District, and Tax Map Parcels 40-3 ((1)) 115A, 40-3 ((12)) 14, 15, 23A, 24, 25, 26 and 26A, located in the Providence District, to reflect the 2014 boundary change between Fairfax County and the City of Falls Church, and editorial updates to the West Falls Church TSA. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF STAFF RECOMMENDATIONS FOR PLAN AMENDMENT 2013-II-M1, AS SHOWN IN THE STAFF REPORT DATED JANUARY 22ND, 2015.

Commissioners Lawrence: Second.

Vice Chairman de la Fe: Seconded by Commissioner Lawrence. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 9-0. Commissioners Hurley, Murphy, and Sargeant were absent from the meeting.

//

PA 2014-III-DS2 – DULLES SUBURBAN CENTER, LAND UNIT 1 – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. Plan Amendment 2014-III-DS2 concerns an approx. 5-acre site located at the intersection of Lee Road and Chantilly Crossing Lane (Tax Map Parcel 34-3 ((13)) 3) in the Sully Supervisor District. The subject area is currently planned for hotel and private recreation uses. Retail uses are not planned for this site; however, a furniture store use may be appropriate under certain conditions. The amendment will consider retail uses on the site. SULLY DISTRICT. PUBLIC HEARING.

Tarek Bolden, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of Plan Amendment 2014-III-DS2.

There were no disclosures by Commission members.

Commissioner Litzenberger noted that the Sully District Land Use Committee voted to support this amendment while the Western Fairfax County Citizens Association (WFCCA) voted to oppose it. He noted that both groups were deeply concerned about transportation and congestion at the entranceway to the proposed site.

Leanna O'Donnell, PD, DPZ, noted that she had attended the WFCCA meeting and said that the citizens had expressed support for an existing condition in the Fairfax County Comprehensive Plan whereby any future development proposal would be required to show that the nearby intersections would not be negatively impacted. She added, however, that the Association did support having development on the now vacant site. Commissioner Litzenberger noted that a bridge over the stormwater retention pond had been suggested during the WFCCA meeting and asked if it would address the transportation issues. Ms. O'Donnell said it could address the site's circulation issues.

Commissioner Hart noted that the use on the site would not matter as long as access to the site was poor. He asked Ms. O'Donnell if there was anything in the Comprehensive Plan to preclude an additional future access through the retail portion of the site. Ms. O'Donnell said no.

Commissioner Lawrence noted that this proposal illustrated a recurring transportation impact issue and asked Ms. O'Donnell whether addressing those issues, with possible conditions, at the planning stage would be the appropriate approach in handling this case as well as those in the future, to which Ms. O'Donnell replied yes.

Commissioner Flanagan asked whether all of the transportation issues had been addressed to staff's satisfaction. Mr. Bolden said that once a development proposal for the site was submitted, staff would be able to look more in depth to determine the transportation issues that would need to be addressed.

Vice Chairman de la Fe called for speakers from the audience and recited the rules for testimony.

Matthew Allman, Esquire, Walsh, Colucci, Lubeley & Walsh, P.C., 2200 Clarendon Boulevard, Suite 1300, Arlington, spoke on behalf of the property owner, Chantilly 50-28 Associates LP, in support of the amendment. He noted that a previous amendment had allowed for a furniture store use, which the owner had hoped would expand; however, it became economically infeasible as the housing market slowed. He said that this amendment would provide flexibility to redevelop the site responsibly and in a manner that would complement the existing surrounding uses. In addition, he stated that the proposed amendment would enable the owner to provide the athletic field contribution that was requested in the proffers set forth in the original furniture store amendment.

Commissioner Litzenberger noted that the previously approved furniture store had been approved because of its minimal impact on the existing transportation infrastructure. He told Mr. Allman that it was imperative that the property owner made clear to any future purchaser of the property the transportation issues that would need to be addressed. He then asked Mr. Allman to state for the record that the proffered contribution amount for the athletic field would be \$250,000, which Mr. Allman confirmed.

Commissioner Lawrence noted that he favored finding a market for the site, but not at the price of excessive congestion.

Commissioner Hart briefly detailed the history of the previous approval on the existing site and echoed Commissioner Litzenberger's remarks regarding the traffic issues. In addition, he recalled the original approval for the site and noted that the architecture that was committed to in the proffers and shown in the land use committee presentations was not what was ultimately built. He pointed out that the subject site was in a highly exposed area and expected the developer to live up to the intentions of the proffer commitments.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Litzenberger for action on this case.

//

Vice Chairman de la Fe: I will close the public hearing; Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. I was fully prepared to defer this this evening, but since there's no new evidence and my fellow commissioners were able to articulate in a precise manner the problems with the transportation, I'm going to go ahead and move for approval. As staff indicated, the amendment would modify the Plan language for Tax Map parcel 34-3 ((13)) 03 to remove the restriction limiting retail development on the subject property to a furniture store and allowing for additional opportunities for retail use while retaining the existing plan conditions for development on this site. Staff has indicated that the retail development options for the subject property would align with the existing character of development within the land unit. Additional flexibility for retail uses at this site could potentially activate a highly visible vacant site. The two Sully District Land Use committees split on their recommendations on this proposed amendment. The WFCCA voted to support it with a vote of 4 to 2, and the SDC Land Use committee voted unanimously to oppose it. After discussing the concerns with the land use committee members, both committees expressed grave concern for the transportation implications entering this site. One idea was to construct a bridge over the stormwater retention pond; however, this could be very expensive yet may be needed if the future transportation requirements get any worse. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2014-III-DS2, AS SHOWN ON THE STAFF REPORT DATED JANUARY 29TH, 2015. Thank you.

Commissioners Flanagan and Lawrence: Second.

Vice Chairman de la Fe: Seconded by Commissioners Flanagan and Lawrence. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 9-0. Commissioners Hurley, Murphy, and Sargeant were absent from the meeting.

//

RZ 2013-MV-015 – VULCAN CONSTRUCTION MATERIALS
LP – Appl. to rezone from R-1, R-C and I-6 to R-1, R-C, I-6, and NR to permit a proposed expansion to the previously approved Natural Resource Overlay District. Located on properties on the W. side of Ox Road, approx. ¾ mile N. of the Prince William County line on approx. 148.27 ac. of land. Comp. Plan Rec: Public Facilities. Tax Map 106-4 ((1)) 20B pt. and 56A pt.; 112-2 ((1)) 8 pt., 14; and Peniwill Dr. public right-of-way to be vacated and/or abandoned. The Board of Supervisors will also consider the applicant's Resource Protection Area (RPA) Encroachment Exception Request, #7589-WRPA-001-1, under section 118-6-9 of Chapter 118 of the Code of The County of Fairfax to permit encroachment into an RPA for the purpose of reconfiguring an existing stone quarry to facilitate the creation of a water storage, control, and pumping facility. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Peniwill Dr. to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.) (Concurrent with PCA 1998-MV-032, PCA 1998-MV-033, and SEA 81-V-017-02.) MOUNT VERNON DISTRICT.

PCA 1998-MV-032 – FAIRFAX COUNTY WATER
AUTHORITY – Appl. to amend the proffers for RZ 1998-MV-032 previously approved for a water purification facility to permit associated modifications to proffers and site design with an overall maximum Floor Area Ratio (FAR) of 0.026, based on the total land area of concurrent SEA 81-V-017-02. Located on the W. side of Ox Road at the terminus of Lorton Road on approx. 129.01 ac. of land zoned R-1 and NR. Comp. Plan Rec: Public Facilities. Tax Map 106-4 ((1)) 56A pt. The Board of Supervisors will also consider the applicant's Resource Protection Area (RPA) Encroachment Exception Request, #7589-WRPA-001-1, under section 118-6-9 of Chapter 118 of the Code of The County of Fairfax to permit encroachment into an RPA for the purpose of reconfiguring an existing stone quarry to facilitate the creation of a water storage, control, and pumping facility. (Concurrent with RZ 2013-MV-015, PCA 1998-MV-033, and SEA 81-V-017-02.) MOUNT VERNON DISTRICT.

PCA 1998-MV-033 – FAIRFAX COUNTY WATER
AUTHORITY – Appl. to amend the proffers for RZ 1998-MV-033, previously approved for a water purification facility to permit

associated modifications to proffers and site design with an overall maximum Floor Area Ratio (FAR) of 0.026 based on the total land area of concurrent SEA 81-V-017-02. Located N. of the Occoquan River immediately E. of the high dam, on approx. 5.54 ac. of land zoned R-1 and NR. Comp. Plan Rec: Public Facilities. Tax Map 106-4 ((1)) 56A pt. The Board of Supervisors will also consider the applicant's Resource Protection Area (RPA) Encroachment Exception Request, #7589-WRPA-001-1, under section 118-6-9 of Chapter 118 of the Code of The County of Fairfax to permit encroachment into an RPA for the purpose of reconfiguring an existing stone quarry to facilitate the creation of a water storage, control, and pumping facility. (Concurrent with RZ 2013-MV-015, PCA 1998-MV-032, and SEA 81-V-017-02.) MOUNT VERNON DISTRICT.

SEA 81-V-017-02 – FAIRFAX COUNTY WATER AUTHORITY

– Appl. under Sects. 3-104 and 3-C04 of the Zoning Ordinance to amend SEA 81-V-017 previously approved for a water purification facility to also permit water storage, control and pumping facility, an increase in land area and associated modifications to site design and development conditions. Located at 9600 and 10000 Ox Road, Lorton, on approx. 526.86 ac. of land zoned R-C, I-6, R-1, and NR. Comp. Plan Rec: Public Facilities. Tax Map 106-3 ((1)) 4B and 9; 106-4 ((1)) 20B pt. and 56A; 112-2 ((1)) 8, 9, 11, 12, and 14; and Peniwill Dr. public right-of-way to be vacated and/or abandoned. The Board of Supervisors will also consider the applicant's Resource Protection Area (RPA) Encroachment Exception Request, #7589-WRPA-001-1, under Section 118-6-9 of Chapter 118 of the Code of The County of Fairfax to permit encroachment into an RPA for the purpose of reconfiguring an existing stone quarry to facilitate the creation of a water storage, control, and pumping facility. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Peniwill Dr. to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.) (Concurrent with RZ 2013-MV-015, PCA 1998-MV-032, and PCA 1998-MV-033.) MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING.

Gregory Riegle, Esquire, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit for RZ 2013-MV-015, dated January 28, 2015. John McGranahan, Jr., Esquire, Applicant's Agent, reaffirmed the affidavits for PCA 1998-MV-032, PCA 1998-MV-033, and SEA 81-V-017-02, dated October 15, 2014.

There were no disclosures by Commission members.

Nicholas Rogers, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications RZ 2013-MV-015, PCA 1998-MV-032, PCA 1998-MV-033, and SEA 81-V-017-02.

Replying to questions from Commissioner Flanagan, Mr. Rogers said that there were existing development conditions with the current use that addressed vibration and traffic to and from the quarry. Referencing Figure 2 on page 4 of the staff report, Commissioner Flanagan and Mr. Rogers discussed the details of the proposal over the lifetime of the quarry. Additionally, referencing the Special Exception Amendment map, Commissioner Flanagan detailed, with confirmation by Mr. Rogers, the location and respective zoning of the areas surrounding the proposed site. Further discussion also indicated the portions the property owned by Fairfax County and Vulcan Lands, Inc. (“Vulcan”). Commissioner Flanagan asked Mr. Rogers who determined whether the application was harmonious with its surroundings. Mr. Rogers said that the Board of Supervisors made that determination upon approval or denial of an application.

John McGranahan, Jr., Esquire, Applicant’s Agent, Hunton & Williams LLP, gave a brief presentation for Fairfax County Water Authority (FCWA), pointing out that while this amendment proposed an extended plan, the first phase would occur over the next 20 years. He introduced Charles M. Murray, General Manager, FCWA, to speak in more detail about the proposal.

Mr. Murray provided a brief history of the Fairfax County Water Authority (FCWA), noting that it not only served Fairfax County, but the surrounding jurisdictions as well with almost two million residents. He said that recent predictions indicated an increase of over one million residents and employees in Fairfax County over the next 25 years and stated that additional sources of water supply would be needed to serve those customers. He noted that FCWA had conducted four principal studies to quantify the benefits of the Vulcan Quarry as a water supply, adding that its reconfiguration would provide an opportunity to meet the county’s future water supply needs in a sustainable and cost-effective manner. Additionally, Mr. Murray said that its use would significantly reduce environmental impacts, further pointing out that its infrastructure requirements and associated construction impacts would be reduced to the proximity of the quarry, the Occoquan Reservoir, and the Griffith facilities. He said that the extended plan would provide necessary water for the county in 2035 and, over its lifetime, meet the needs of future generations. He stated that the subject proposal was the culmination of years of planning and public outreach, including presentations to the Planning Commission during the South County Area Plans Review processes in 2009 and 2010. He added that he and representatives from Vulcan met with residents of Mount Vernon District through many local meetings with residents, citizens groups, and elected officials. In addition, he noted that an open house was held at the Lorton Arts Center and said that information updates were provided on FCWA’s website, newsletters, and bills. Mr. Murray questioned, however, the appropriateness of Development Condition Number 13(b), regarding the FCWA’s customers paying for the construction of recreational trails for the Fairfax County Park Authority (FCPA) and the Northern Virginia Regional Park Authority. He stated that the FCWA and park agencies were public agencies with very different missions, and emphasized that FCWA’s customers extended beyond the

jurisdictional boundaries of the county. He further noted that the rates, fees, and charges collected by those customers were channeled back into the operations of the water system. He said that the Park Authority had its own fiscal resources, including royalties from the Vulcan Quarry, that would not be available without the approval of this special exception amendment. He acknowledged that approval of this application was necessary for the greater good of the community, and said that he was working with staff to reach a consensus on this issue. However, the FCWA Board of Directors and its leadership strongly believed that having Fairfax Water provide the necessary easements for the trail would not only be an unnecessary and inappropriate mix of the respective missions of the two authorities, but that it would be bad public policy.

Commissioner Flanagan commended Fairfax Water for its service and said that after their meeting with the Mount Vernon District Supervisor, Gerald Hyland, almost all of the outstanding issues had been resolved. When Commissioner Flanagan asked about Vulcan's access to the quarry, Mr. McGranahan explained that Vulcan had an access easement across Fairfax Water property to access the quarry. In addition, he noted that Vulcan leased property to other nearby businesses. He also confirmed that Vulcan's stone crushing facilities would be relocated onto Fairfax Water property during Phases I and II of the project, where Fairfax Water would lease the property to Vulcan.

Commissioner Hedetniemi asked what the applicant would do to prevent trespassers from gaining access to the future reservoir. Mr. McGranahan said that an eight-foot tall fence with barbed wire would be installed.

Commissioner Litzenberger asked Mr. Murray if the FCPA received free water service for its pools and recreational centers. Mr. Murray said that the FCWA charged the Park Authority for its water use.

In response to questions from Commissioner Hart, Mr. McGranahan confirmed that FCWA would be happy to provide easements, but did not wish to pay for construction of a trail. He added that the costs would be prohibitive and said that the Park Authority and Water Authority should help each other out with easements and accommodate each other's projects, but should not be paying for each other's projects. When Commissioner Hart asked Mr. McGranahan if he had an alternative to the requirement, Mr. McGranahan suggested deleting paragraph b from Development Condition Number 13. Commissioner Hart asked Mr. McGranahan to describe the security issues with the current plans for the trail. Mr. McGranahan explained that the plan showed the trail connecting on the southern end of the site; however, after September 11, 2001, it was determined that FCWA needed to protect critical infrastructure and proposed a trail connection along the northern portion of the site.

Commissioner Lawrence suggested that, given the extended life of this application, there be a condition that provided continued monitoring and review of the public safety arrangements for both the reservoir and the trail.

Commissioner Migliaccio asked what the cost of both trail options would be. Anna Bentley, Planning and Development Division, Fairfax County Park Authority, explained that Option 1,

the trail route along the Occoquan River, would have low cost implications, as it was to be a natural surface trail with no asphalt. She noted that Option 2, the northern trail route, would be more costly since asphalt might be required in some areas of the trail and water crossing could be needed. Commissioner Migliaccio requested that cost estimates be obtained during the deferral period.

Commissioner Flanagan pointed out that the staff report stated that the alternate route, or Option 2, would be more costly.

Vice Chairman de la Fe called the first listed speaker and recited the rules for testimony.

Peter Christensen, representing Fairfax County Trails and Sidewalk Committee, 9503 Lynnhall Place, Alexandria, spoke in favor of retaining the planned trail along the shoreline of the Occoquan River as called for in the Countywide Trails Plan. He expressed concern about the Water Authority's request to forgo the trail contribution and questioned their assertion regarding the security risks of building the trail near the river, noting that a fence would provide sufficient security.

Commissioner Hart pointed out that the Virginia General Assembly required that the imposition of a development condition must result from a need for it. Mr. Christensen said he understood, but added that the applicant's proposal for a four-foot easement on the northern trail would be inadequate.

Commissioner Flanagan asked Mr. Christensen if there was any objection to the planned trail when the Countywide Trails Plan was last updated, to which Mr. Christensen said no.

Bill Niedringhaus, representing Fairfax Trails and Streams, 805 North Croydon Street, Sterling, spoke in support of the planned trail along the Occoquan River, citing its conformance with the current Countywide Trails Plan, the view, its completion of the trail loop, and strong community support. He said that the northern route would not have scenic value and questioned its maintainability. He further pointed out that there was an off-road vehicle trail that followed along the planned route and said that it would complement the planned trail. In addition, he noted that the South County Federation voted unanimously to support the planned route. He also questioned FCWA's security concerns and cited examples of similar facilities with roads that were located near or ran across them. He suggested that Commissioners and staff walk through and evaluate the site to make a more informed decision. (A copy of Mr. Niedringhaus' statement is in the date file.)

Commissioner Flanagan cited a previous case where an applicant was asked to reroute a trail after someone had been killed at a proposed site. Mr. Niedringhaus noted that that applicant had withdrawn his proposal, adding that the original route for the trail remained on the Countywide Trails Plan.

Eleanor Quigley, 7600 Admiral Drive, Alexandria, spoke in favor of the planned trail route. She pointed out that the project abutted the Occoquan River and would therefore be subject to

Chesapeake Bay ordinances. She added that the expansion of the quarry would result in the removal of 7 acres of trees and the disturbance and encroachment of 13 acres of Resource Protection Area (RPA) and 11 acres of Environmental Quality Corridor (EQC). She stated that relocating the trail away from the Occoquan River would damage the scenic value of the proposed route and the perennial Elk Horn Run stream, which was currently in near pristine condition. She said that while damage from previous development might have occurred as a result of the lack of regulation on environmentally protected areas, it was imperative that this trail be routed as planned in order to prevent additional damage. She also said that additional screening should be considered and that staff should inspect the current tree canopy to consider possible reforestation, stormwater management, as well as the dams, berms, and pipes. (A copy of Mr. Firth's statement is in the date file.)

Nick Firth, President, South County Federation, 9344 Occoquan Overlook Drive, Lorton, stated that the community had held several discussions with Vulcan and FCWA to agree on concessions regarding blasting, truck traffic, shielding of the crushing ops, trail, tree preservation, airborne noise, onsite truck noise, and blast monitoring; however, he had learned earlier this week that neither applicant would compromise on several of those issues. In addition, he noted that two main issues, blasting and the trail, received no consideration by the applicants, even though the South County Federation had sought a compromise that was in line with Vulcan's blasting history, to help ensure that the community would maintain the current levels into the future. He stated that the Federation opposed the proposed northern route proposed by FCWA, adding that the route would not be in harmony with the Comprehensive Plan. He also stated that the South County Federation opposed the proposal in its current form. (A copy of Mr. Firth's statement is in the date file.)

Upon request from Commissioner Flanagan, Mr. Firth said that he would submit a copy of his statement to the Planning Commission for the record.

Martin Rizer, 8822 Lake Hill Drive, Lorton, stated that he was Chair of the South County Federation Land Use Committee, and acknowledged the need for the county's future water needs. He therefore took a pragmatic view in trying to find common ground between the community concerns about the quarry's expansion and the applicants' desire to limit the costs related to its execution. He said that the committee had been in ongoing discussions with the applicants and had the following requests:

1. As Vulcan would be mining nearest to the residential properties over the next 20 years, blasting vibration limits should be reduced from .4 ppv (peak particle velocity) to .2 ppv, with an allowance of one shot in ten not to exceed .3 ppv. He pointed out that 13 of the 63 blasts made by Vulcan in 2014 exceeded .2 ppv and three of them exceeded .3 ppv; therefore, the request was appropriate.
2. For safety reasons, Vulcan should strengthen its development conditions and discontinue truck traffic on Lorton Road. In addition, Vulcan should

strengthen its enforcement of its current enforcement policy on the traffic, which had thus far been ineffective.

3. If Vulcan planned to move operations to a site on Route 123, then the site should be hidden from view.

Mr. Rizer said that these requests were appropriate and that both applicants should be able to agree to these items with little financial impact. He added that none of the items were addressed in the staff report and requested denial of the application.

Ann Malcolm, 1015 33rd Street Northwest, Washington, DC, indicated her support for the current planned trail and aligned herself with all of the previous speakers. She said that she would gladly discuss a trail easement agreement on her property for the current trail plan. She pointed out that the alternative route would adversely affect a second property she owned and opposed its construction. In the event of its approval, she requested a development condition the proposed design be such that the diversion channel, temporary pipe, and elevation cause no water backup onto her property.

Referencing Figure 2 on page 4 of the staff report, Commissioner Flanagan and Ms. Malcolm discussed the location of her second property in relation to the proposed alternative trail and the negative impacts it would have. She reiterated that she would provide an easement across her primary property for the currently planned trail.

During a brief discussion between Commissioner Lawrence, Ms. Malcolm, and Mr. Rogers, it was revealed that the piping for the northern stream would interfere with the development of Ms. Malcolm's second property. Mr. Rogers explained that staff had not known about this issue until Ms. Malcolm's testimony this evening, adding that her testimony, as well as issues raised by other speakers would become part of the standard review in the general standards in Article 8 of the Zoning Ordinance to be reviewed by the Board of Zoning Appeals (BZA). When Commissioner Lawrence questioned this process, William Mayland, ZED, DPZ, suggested that the applicants address Ms. Malcolm's and the other speakers' concerns more clearly during the rebuttal period.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a case in the Virginia Supreme Court 10 years ago where Ms. Malcolm was the opposing party. He stated that the case had concluded and said that it would not affect his ability to participate in this case. He assured Ms. Malcolm that the commissioners had received her letters regarding her concerns. Ms. Malcolm pointed out that the alternate trail would be located where the diversion for the stream channel would be located.

Karen Jones, representing Potomac Heritage Trail Association, 805 North Croydon Street, Sterling, supported the planned trail route and said that the volunteers association could work with the Park Authority to install the trail at virtually no cost.

David Laib, 9291 Davis Drive, Lorton, said that a study had been performed by Engineering Consulting Services (ECS), which determined that Vulcan's blasting vibrations and stated that the current limits were unacceptable. He requested that the application be deferred until additional study could be performed and more appropriate parameters for monitoring the blasting could be established to ensure harmony between the existing uses.

Henry Lucas, President, Engineering Consulting Services (ECS), 6163 Hidden Canyon Road, Centreville, stated that ECS was a civil engineering firm that specialized in geotechnical engineering, materials testing, and environmental services. He said that he had performed a study confirming that Vulcan was in compliance with the special permit that was issued in 2007; however, it failed to use the most readily available technology and best practices to minimize the impact on the surrounding community. He said that while Vulcan might be in compliance with its 2007 permit, the impact was now greater on the individuals and homes closest to the site than was appropriate. He also noted that since 2007, residents had been exposed to approximately 500 blasts and, thus, there could be physical damage to the homes. He therefore stated that it would not be appropriate to extend the current permit without additional study.

Commissioner Hedetniemi asked Mr. Lucas if he was requesting a study on practices to reduce the impact of the blasts on the nearby residential areas, to which he replied yes.

Commissioner Lawrence and Mr. Lucas briefly discussed the impact of blast vibrations on homes in relation to distance. Commissioner Lawrence suggested a development condition wherein testing would be performed as the quarry expanded and blasting occurred closer to the residential areas.

Commissioner Hart noted that the BZA had approved the 2007 permit and its extension and struggled with the testing and monitoring; however, he added that the county had never received any complaints regarding adverse impacts. He asked Mr. Lucas whether there were problems with the current testing methodologies. Mr. Lucas explained that the testing was done in conformance with current energy standards and said that the applicant was in compliance with the current permit. He reiterated, however, that the measures being used by the applicant and impact of the blasts on the community.

In reply to a question from Commissioner Flanagan, Mr. Lucas reiterated that wave energy could have an undesirable effect on the homes closer to the blast than those further away.

Michael Grogan, representing Southpointe Estates Homeowners Association, 9330 Davis Drive, Lorton, spoke in opposition to the application. He stated that quarrying activity was incompatible with the residential character of the community and requested denial of the application. He said that the expansion of the quarry and related blasting had adversely impacted the residents, particular his community. He stated that rather than providing a water reservoir, the site would instead be filled with sediment with little room for water while FCWA earned royalties from the operation. He questioned the need for the proposal and said that alternatives were not being considered. He noted that while the applicant could not be definitely proven to be at fault, there were fractures in the drywall and concrete in his home, and he expressed concern about the

impact of blasting in the future. He requested that, if the application were to be approved, the commission limit the number of blasts made at the site. Additionally, he noted his support of Mr. Lucas's testimony and requested further study.

Commissioner Flanagan noted that Luck Stone quarry blasted more often than Vulcan and also noted that 90% of the blasts at Vulcan were below .2ppv. In response, Mr. Grogan reiterated support for Mr. Lucas's request for further study.

Cynthia Smith, 6713 Catskill Road, Lorton, questioned the planning for the reservoir and suggested that further clarification of the operation be provided to the public.

Dean Rutley, 9211 Wrights Hollow Lane, Lorton, spoke in opposition to the application, but said that if the application were approved, he requested that the blasting be limited to prevent the damaging impacts from the higher level blasts. He pointed out that the residents existed on the site by right while the quarry was there as a result of a special permit, yet it continued to expand and encroach on the nearby residents and, therefore, Vulcan had a responsibility to the residents to be a good neighbor.

Commissioner Ulfelder asked Mr. Rutley if he had been aware of the breadth of Vulcan's property and the potential for expansion when he bought his property. Mr. Rutley said he was not.

There being no more speakers, Vice Chairman de la Fe called for a rebuttal statement from Mr. McGranahan, who noted that the BZA had imposed 51 development conditions, none of which Vulcan had violated. He clarified that the special exception application involved the reservoir and water treatment facility, noting the overlap within the entire application. He said that sediment currently filtered through the treatment process and then, through backwash, it would filter to the bottom of the reservoir and between 2035 and 2038, this facility would be full, adding that that process would begin in the northern reservoir, but it will not fill it. He also noted that Vulcan intended to comply with the Chesapeake Bay Act, and did not request any waivers. With regard to the alternative trail route, Mr. McGranahan pointed out that language had been added to the development conditions to ensure that the EQC disturbance is minimized with the northern alignment. Addressing concerns about the quarry's expansion toward the residences, he said that while there was expansion, the quarry operation was permitted. Additionally, he pointed out that with this proposal, the northern and western boundaries were set, adding that the mining operations would be moving away from the residential communities as the quarrying occurred. Addressing Ms. Malcolm's concerns, Mr. McGranahan stated that the easement she spoke of was a flood easement that was along the water's edge. He added that FCWA had the right to raise the level of the Occoquan into that easement, but said that it might not be an acceptable place for a trail. With regard to the temporary stream diversion, Mr. McGranahan said that the diversion was designed for the water to overflow into the water. He more importantly pointed out that Vulcan could not legally design something that would back water up onto a property. He addressed Mr. Lucas's remarks, first pointing out that citizen complaints were not unanimous with regard to the blast impacts. He also noted that Mr. Lucas's report said that this type of activity would not

cause damage. With respect to royalties, he pointed out that the Park Authority would receive royalties, not Fairfax Water. He explained that the proposed trail would connect the grand loop, as mentioned by Mr. Niedringhaus, and the water treatment facilities would be hidden from view, addressing Mr. Rizer's concerns. He stated that the BZA would hold a hearing on the blasting, while the Planning Commission and Board of Supervisors would deal with the issues regarding the trail. He said that the FCWA had provided a compromise on the trail that would allow for connectivity that also respected the security issues that FCWA had.

Commissioner Flanagan asked Mr. McGranahan what would happen to the current quarry pit. Mr. McGranahan explained that it would be covered with grass and flattened. When Commissioner Flanagan asked if there was a solution for a worst-case scenario wherein sediment leaked into the northern pit, Mr. McGranahan stated Fairfax Water envisioned no such scenario because the pit would never fill in. Commissioner Flanagan asked if there was anything that could be done to prevent children from climbing the fence to get into the reservoir. Mr. McGranahan said that the homes didn't directly back up to the quarry, adding that there was a substantial EQC buffer. When asked by Commissioner Flanagan if there was anything the applicants could do to meet the requirements for the special exception, Mr. McGranahan stated that the requirements in the Comprehensive Plan were to be evaluated by the BZA and the Planning Commission, pointing out that the special exception did not address the quarry operations.

Commissioner Lawrence expressed concern about the distinction between the BZA and Planning Commission. He pointed out that the blasting required to expand the quarry for the reservoir linked Vulcan's and the FCWA's purposes; therefore, in order for him to vote, he needed to be convinced that blasting and its impacts had been attended to.

Commissioner Ulfelder asked if FCWA would have other objections to the planned trail if there were no security issues. Mr. McGranahan said no, adding that security was the only objection. When Commissioner Ulfelder asked if Mr. McGranahan understood the public's frustration with regard to the applicant's lack of disclosure, Mr. McGranahan replied that he did; however, it was a necessary part of the process.

Vice Chairman de la Fe called for concluding remarks from the staff and Planning Commission.

Aaron Klibaner, Planning Division, DPZ, pointed out that a plan amendment would be required to amend the Countywide Trails Plan Map to pursue the northern trail route.

Commissioner Hart requested that staff evaluate the specifics of Ms. Malcolm's remarks regarding the temporary stream diversion during the deferral period. In addition, he suggested that staff determine whether there was a nexus between the quarry operations and development conditions imposed upon it in relation to operations by third parties. Mr. Mayland noted that there was no intention to add blasting conditions to the special exception as that would be addressed by the BZA. Mr. Hart then asked for staff to determine whether there was a nexus between something the Water Authority requested and the requirement in Development

Condition 13b that they provide a recreational trail segment. Mr. Mayland said it would be reviewed.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Flanagan for action on this case.

//

Vice Chairman de la Fe: I will close the public hearing; Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I'd like to make a comment that there are several things that I didn't bring up because of the lateness that we received the text to the conditions, particularly the trail. And one of the things that has bothered me in there is the – is number 13, that calls for the trail to be built and paid for by the water authority upon the completion of any building that they do, which means that they could be – they could be required to build the trail – an alternate trail within, say two years if they build a building in the next two years, you know, then they would be obligated to build a trail. And this trail would lead to nowhere. It would lead just, you know, would be a dead end trail, and so I'm bothered by that feature of the conditions and so I – I – I just want to be sure that as long as Commissioner Hart brought up his concerns about that text that I, maybe, would like to let you know about my concerns on 13 as well.

William Mayland, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Commissioner Flanagan, Condition 11 speaks to the expansion of the filter building flocculation/sedimentation basins. That would be the trigger for the trail, not any particular building, but the expansion of the Griffith Water Treatment plant. But certainly we could look at that further with the applicant.

Commissioner Flanagan: Okay, anyway I haven't had the time. Anytime you go back and take a look at that whole

Nicholas Rogers, ZED, DPZ: And, and Commissioner Flanagan, I think – I think you are pointing out an important point, whereas the language that Mr. Mayland cited was in Condition 11, we – we did not, in an oversight on staff's part, we did not necessarily carry forth the specificity of that condition to Condition 13. So we're going to match that up so we have ultimate clarity on that for you and your colleagues.

Commissioner Flanagan: Okay. Are you going to be in tomorrow to discuss this?

Mr. Rogers: Tomorrow is a work day.

Commissioner Flanagan: Okay. Thank you.

Vice Chairman de la Fe: Tomorrow is Saturday. Today is Friday.

February 12, 2015

Commissioner Flanagan: No – are you going to be in today? I take it you'll be late arriving. I take it you'll be late arriving today. Well, given that we've milked this thing drive, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SEA 81-V-017-02 AND PCA 1998-MV-032 AND PCA 1998-MV-033 AND RZ 2013-MV-015 TO A DATE CERTAIN OF FEBRUARY 25 –

Commissioners Lawrence: Second.

Commissioner Flanagan: –WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Vice Chairman de la Fe: Seconded by Mr. Hart. All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 9-0. Commissioners Hurley, Murphy, and Sargeant were absent from the meeting.

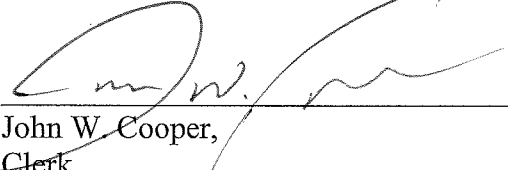
//

The meeting was adjourned at 12:26 a.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: September 17, 2015



John W. Cooper,
Clerk,
Fairfax County Planning Commission